

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5542 of 1992

Date of decision: 26-2-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VONODKUMAR SOMABHAI PATEL

Versus

GUJARAT STATE FOREST DEVELOPMENT CORPORATION2

Appearance:

MR GM JOSHI for Petitioner

MR Nandit Chudgar for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/97

ORAL JUDGEMENT

Challenge is made by the petitioner to the order dated 1st August, 1992, though originally it was not filed with the main petition, under which he was ordered to be reverted from the post of Project Supervisor to the post of Asst. Project Supervisor. The contention of the counsel for the petitioner is that this order is punitive in nature. The petitioner was ordered to be reverted for the alleged misconduct as contained therein. It has next been contended that the order casts stigma and reversion could have been ordered only after holding inquiry as per rules.

2. On the other hand the counsel for the respondents contended that the promotion of the petitioner to the post of Project Supervisor was purely on ad hoc basis and as such it does not confer any right upon the petitioner to hold the post. As the petitioner's promotion was only ad hoc, the respondents has all the powers to revert him to the original post.

3. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties.

4. Learned counsel for the respondents does not dispute that the order of reversion of the petitioner is stigmatic. Though the promotion of the petitioner was on ad hoc basis, but the reversion casting stigma, without holding inquiry, is certainly punitive and it cannot be allowed to stand.

5. In the result this special civil application succeeds and the same is allowed. The order of reversion of the petitioner dated 1-9-1992 is quashed and set aside. However, acceptance of this petition will not come in the way of the respondents to make fresh order of reversion of the petitioner in accordance with law. Rule made absolute in the aforesaid terms. No order as to costs.

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csm